

Docket No. 1948-4293US1

I.1-5) identifying several United States and several foreign references first cited in the parent application (Application No. 08/553,573 filed November 27, 1996, and issued as US Patent No. 5,807,518). In accord with 37 C.F.R. 1.98(d) copies of those references were not required to be submitted with the filing of the IDS as the earlier application was properly identified in the IDS and is relied on for an earlier effective filing date under 35 U.S.C. 120 and the IDS filed in the parent further complied with 37 C.F.R. 1.98(a)-(c). Note that the issued patent for the parent application lists the foreign references on its face (attached as Appendix II).

In response to a telephone request for an initialed PTO-1449, the Office asserted in an Office Action dated November 5, 2002, that under 37 C.F.R. 1.98(a)(2), a legible copy of each U.S. and foreign reference must be submitted with a IDS, that only the U.S. references were received and review by the Office, that none of the foreign references were received by the Office. The Office also indicated that were the foreign references to be remitted, they would be reviewed with the next office action. (See Office Action Appendix III.1-6)

In a responsive amendment dated February 27, 2003, the Applicants noted that the foreign documents were initially disclosed and provided in the parent application of this continuation application and so, by rule, did not have to be re-submitted in this application but merely disclosed. The foreign documents were disclosed in the IDS that accompanied the application transmittal of this continuation application. The Applicant also noted that the face of the issued parent application, U.S. Patent No. 5,807,518, lists the foreign documents. Specifically, the Applicants now note, as above, that submission of copies of the references were not required under 37 C.F.R. 1.98(d). (See amendment portions Appendix IV.1-3).

Nevertheless, with the responsive amendment dated February 27, 2003, the Applicants provided an additional copy of the foreign documents listed in the IDS of March 11, 1998, a copy of the IDS listing the foreign references which were first filed in the parent application on March 23, 1996. At that time, the Applicants also requested consideration of these references. Those references were received by the Office during the pendency of the present application. (See stamped return postcard Appendix V).

The Office has not provided a PTO-1449 with the foreign references initialed, which would ensure publication of the patent to issue for this application includes a listing of those references. In response to a telephone request for such an initialed PTO-1499, the Applicants are

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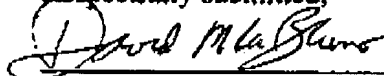
currently advised by the Office to file a formal request for an initialed PTO-1449. The applicant hereby make a formal request for an initialed PTO-1449 indicating consideration of the foreign references submitted to the Office in this application and request that a listing of those references be printed on the patent to issue for this application.

Conclusion

No fee and petition are believed to be necessary for consideration of this request. However, should any fee be deemed necessary, the Commissioner is authorized to charge Deposit Account No. 13-4500, Order No. 1948-4293US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED. Moreover, should any petition be deemed necessary for consideration of this Request, such petition is hereby made.

In the event that a telephone conference would facilitate this request in any way, the Examiner is to contact the undersigned at the number provided.

Respectfully submitted,



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Dated: February 24, 2004

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